

Failure Analysis Associates, Inc.
Engineering and Scientific Services
149 Commonwealth Drive, P.O. Box 3015
Menlo Park, California 94025
(415) 326-9400 Telex 704216 Fax (415) 326-8072

October 7, 1993

Re: Your Request for Information

Mr. Harold Weisberg
7627 Old Receiver Rd.
Frederick, MD 21702

Dear Mr. Weisberg:

Thank you very much for your letters dated September 17th and September 29th. As we received both letters within the last two days, any delay in our response has been a function of the Post Office.

I am familiar with your work having read your books last year during our trial preparation for the American Bar Association (ABA) Section of Litigation's Mock Trial, "U.S. vs. Oswald". In fact, your work resides in our in-house library. With your permission, I would like to spend the next portion of this letter describing to you the background of our work for the ABA Mock Trial so that you are more familiar with why we created these animations and why they are being utilized so much now, in the 30th anniversary year of the JFK assassination.

Background to the Investigation

Failure Analysis Associates, Inc. (FaAA) is the nation's leading consulting firm dedicated to the investigation, analysis, and prevention of failures of an engineering or scientific nature. Our work is well-known throughout the litigation field and we pride ourselves in utilizing the most state-of-the-art techniques in engineering analysis and demonstrative evidence preparation. This is why we were contacted by the ABA.

In March, 1992, members of the Litigation Section of the ABA approached FaAA to assist with a Mock Trial Presentation for their 1992 Annual Meeting in San Francisco later that year. The ABA asked FaAA to provide expert witness testimony for both sides of the litigation - a first for our organization. We were also asked to provide all demonstrative evidence (courtboards, video, graphics, and computer animation). After much discussion, the decision was made to put Lee Harvey Oswald on "trial" at the event. Please be advised that this was a Mock Trial designed to **educate** attorneys on proper trial techniques as well as the use of technology to display demonstrative evidence. This trial was not used as a forum to prove or disprove that Oswald killed President Kennedy.

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Trial Preparation

It was determined that the Prosecution would consider the following issues: The Magic or Tumbling Bullet Theory, Injury Analysis, and Path Trajectory of the Bullets. The Defense team, of which I was a member, concerned itself with Ballistics, Other Potential Firing Positions/Assassins, as well as "shooting holes" in the Prosecution's case. Both sides utilized the following background information: Warren Commission Report, House Select Committee Report, "Crossfire" as well as a copy of the Zapruder Film. In addition, either side could acquire additional materials if necessary, if approved by the other side. That is how we acquired your books. Latimer's medical work was also used extensively and we had many discussions with Larry Howard in Dallas as well.

The Prosecution

The work that the Prosecution team presented you have seen in Posner's book. The lead member of the team was Dr. Robert Piziali, a V.P. and Manager of our Biomechanics Group. Injury analysis was performed using information provided in the record as well as photographs that have appeared in numerous books and articles. The Zapruder film was enhanced and each frame captured as a still to analyze the movements of the vehicle's occupants. During this analysis, the Prosecution was able to detect movement in the lapel flap on Governor Connolly's jacket which prompted them to associate this with the timing of the first/second shot. Frame by frame analysis was also used to determine timing sequences for the firings of the three bullets.

FaAA obtained aerial photographs of Dealey Plaza as well as photographs of each building in the Plaza to assist in the creation of the computer animation of the area. The data was precise, most likely within an accuracy of approximately two inches. Using this information, the potential entry point of the President's head wound, photogrammetric positioning of the Governor and the President as well as reverse projection techniques, the Prosecution located the positions of the two men in the vehicle and then related the injury positions in the bodies. In this way, the trajectory of the bullet, i.e., the cone that you see in Posner's book, could be estimated. As you can see, there is not a straight line trajectory, but a cone, to incorporate the $\pm$ accuracy of the analysis. As the cone happens to take in all of the 6th floor window, the prosecution used this to build a strong case.

The Defense

We were able to obtain a Mannlicher Carcano rifle and bullets from the same lot that Oswald was alleged to have fired. We concentrated on his ability as a marksman to make that shot; the quality of the weapon utilized, the "better shot" available as the vehicle moved toward the 6th floor on Houston Street; and the timing sequence of shots.



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To do this analysis, we instrumented the weapon in all directions so that we could monitor the gunman's head movement as well as the rifle movement when the shots were taken. Dr. McCarthy, our CEO and a expert shot, performed the experiments as well as provided testimony during the trial. We were able to produce timing sequences that corresponded to the sequences found by the House Select Committee investigation as well as the Warren Report. In addition, we obtained skulls and attempted to reproduce the "pristine bullet". In one or two instances, a slightly damaged bullet was obtained, in others, it was heavily damaged. Dr. McCarthy also looked at using other weapons, as well as other ammunition, which might have used to make the shots. We also located positions on the grassy knoll where witnesses alleged to have located the sounds of gunfire. In this way, we developed a "killing zone" - i.e. the first shot was taken from the 6th floor, then the vehicle moves into the "killing zone" location and the other gunmen have better shots. Remember, all we needed to do was put "doubt" in the jury's mind with regard to the facts of the case. The Prosecution had the burden of proof.

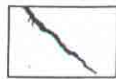
The Trial

We produced all demonstrative evidence for the trial - graphics of the scene, aerial photographs of Dealey Plaza, video of our tests, and three-dimensional animations of the Tumbling Bullet, Fly-Around of Dealey Plaza, Timing Sequence of Shots, Killing Zones, etc. The enclosed tape has a review of the trial. We hope that, as you requested, the tape will be housed in the Hood College library so that students many look at it and gain understanding on how technology can be utilized in the courtrooms of today (and the future).

The trial lasted 16 hours (2 days). It was attended by well over 500 people. We had a real jury, picked from San Francisco residents. The jury, and a shadow jury, were monitored real-time for their responses by jury consulting experts from DecisionQuest. These juries were not able to see their reactions, but the audience was. The trial was presided over by some of the most senior judges in the country, including two Federal Court Judges. Other participants besides Dr. Piziali and Dr. McCarthy were Dr. Cyril Wecht and Dr. Martin Fackler. In additions actors and members of the FaAA staff acted as witnesses. The trial resulted in 7/5 split by the jury. 7 to convict and 5 to acquit. I have enclosed a copy of the program from the event for your review of the participants.

After the Mock Trial

We were very pleased with the success of the Mock Trial and the materials that we produced. At present, a continuing legal education (CLE) video tape is being produced by our organization for the ABA and its members. Everyone here has their own view of whether or not Oswald was responsible for the death of the President, but FaAA takes no



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position on this matter. It is my understanding that Mr. Posner contacted Dr. Piziali after he saw the COURT TV show. I am not aware of what was discussed, but Mr. Posner apparently thought the prosecution's case was worth discussing and informed Dr. Piziali of such. Thus, Dr. Piziali gave approval for him to utilize their work for his investigation. We were unaware of Mr. Posner's investigation results until we saw the **US News and World Report** article last month (enclosed for your review). I have read the chapter in "Case Closed" which acknowledges the work of Dr. Piziali and his team. It is, however, a bit confusing as to the understanding that the work was done for the ABA and not Mr. Posner.

Since FaAA has not proved, or disproved anything with regard to the person (or persons) behind the assassination, we have therefore decided to make no public statements with regard to Mr. Posner's book. We leave it up to researchers, like yourself, to analyze all the facts, and myths, and draw conclusions that the rest of us can learn from.

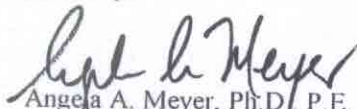
We have received many inquiries from the national media and have been fortunate to have much of our work shown on the national networks because of Mr. Posner's reference to FaAA. If there is confusion on the part of the media when they request information from us, we correct their confusion with regard to who we performed the work for.

I hope you found this information useful and I wish you much success with your manuscript. When it is published, please let me know so that I can obtain a copy. With regard to your colleague who's request was apparently ignored, I can only tell you that I am answering each inquiry personally. Our work product is confidential and not normally distributed to the general public. It is highly unlikely that we would have deliberately ignored his request. Please have him contact me directly to discuss his request.

If you have any questions, please feel free to contact me directly at 415-688-6951.

Thank you again for your inquiry

Sincerely,


Angela A. Meyer, Ph.D., P.E.
Manager of Client Services

enclosure: JFK Materials

.cc: Dr. Roger McCarthy (w/o attachments)

